

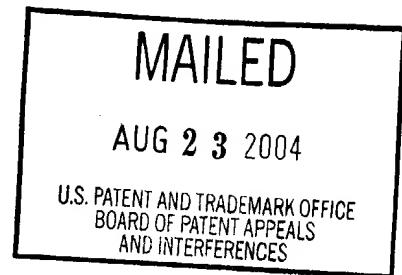
The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

## UNITED STATES PATENT AND TRADEMARK OFFICE

### BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Ex parte MONTY KRIEGER,  
SUSAN L. ACTON, and  
ATTILIO RIGOTTI

Application No. 08/765,108



### ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on July 7, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

We were unable to locate a copy of the Yang reference relied on by the examiner on page 3 of the Examiner's Answer dated April 5, 2004.

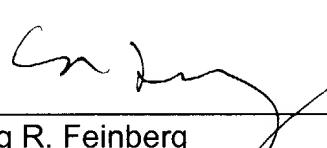
Accordingly, it is

**ORDERED** that the application is returned to the Examiner to

- (1) locate or obtain the missing Yang reference,
- (2) have a complete copy of the missing reference scanned into the IFW file, and
- (3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES



---

Craig R. Feinberg  
Program and Resource Administrator  
(703) 308-9797

Patrea L. Pabst  
Pabst Patent Group LLP  
400 Colony Square  
Suite 1200  
Atlanta, GA 30361

RA04-0766  
dem